

Response to the Office of State Auditor's survey of Collections Fines and Penalties

Craig Caudill, Business Officer

June 13, 2012

Dee Freeman Secretary

Beverly Eaves Perdue Governor

June 13, 2012

Mary Hutchings Assistant State Auditor Office of the State Auditor 2 S. Salisbury Street 20601 Mail Service Center Raleigh, NC 27699-0601

Dear Ms. Hutchings,

The following information is being provided in response to the Office of State Auditor's survey regarding the North Carolina Department of Environment and Natural Resources' (DENR) penalty assessment and collection activity. The information was compiled from data provided by the individual regulatory programs currently located within DENR that have assessed civil penalties within the three requested fiscal years. In addition to a brief description of each program and accompanying collection data, an overview of the assessment and collection process has also been provided.

Should you have any questions or need additional information, please feel free to contact me.

Thank you,

Rod Davis, Controller NC DENR

Introduction

One of the many tools available to the Department of Environment and Natural Resources (DENR) to promote compliance with environmental laws, as well as deter violations, is the authority to assess civil penalties. However, the initial assessment is subject to review and may be modified through an appeal process. This information is intended to provide an overview of the process beginning with the initial penalty assessment, through its finalization, and the Department's subsequent efforts to collect any outstanding penalties. In addition, this information contains a brief overview of each program currently within the Department that assessed a civil penalty during fiscal years 2008-2009, 2009-2010, and 2010-2011. Specific data related to each program's assessment and collection activities has also been provided.

Penalty Collection Overview

Penalty assessment authority for each program is governed by applicable statutes and administrative rules. Once a civil penalty has been assessed and served on the violator, State law provides for review and possible reduction of civil penalty assessments through administrative processes, including requests for penalty remission and formal appeals. Sometimes violators choose not to contest the factual circumstances that led to the penalty, but will pursue settlement of the case — either directly with the state agency or through the Attorney General's Office — to avoid lengthy administrative hearings or court action. Informal settlements are generally available to all programs, though some are specifically provided for by statute. The processes available to each program are controlled by each program's applicable statute, but a right to appeal an assessment by filing a contested case petition exists for every program. Because each penalty is subject to review and possible modification, the penalty assessment is not final until the administrative process is complete.

Assessed v. Established

The point at which the penalty becomes final and owing for the purposes of collection is the "established" date. An assessed penalty can become established in a number of ways, including payment of the assessment, the conclusion of a contested case or remission request and subsequent judicial review, or by the failure of the violator to exercise the available administrative remedies. If the violator chooses to pay the assessed amount after receiving the penalty, then the penalty automatically becomes established.

There are two significant distinctions between an assessed penalty and an established penalty for collection purposes. First, a pre-establishment penalty adjustment occurring during the administrative process is a modification to the principle amount of the penalty that the agency is entitled to collect. A post-establishment adjustment (i.e. those adjustments occurring after the administrative process is complete) does not adjust the principle amount the agency is entitled to collect, but is a reduced amount the agency is willing to accept for various considerations through either formal or informal settlement procedures.

A second distinction between an assessed penalty and an established penalty is the Department's authority to undertake efforts to collect the penalty. Because penalties can be appealed through various methods, an assessed penalty is not ripe for collection efforts until the conclusion of the administrative process, either due to the exhaustion of all administrative appeals or the failure to seek the available remedies. Given the inherent time lapse in the administrative process and the need for the penalty to become established prior to engaging in collection efforts, it is important to note that a penalty assessed in one fiscal year may not become established until a subsequent fiscal year. However, interest begins to accrue on the penalty at the legal rate from the penalty's established date.

Penalty Appeals

When an agency assesses a penalty and the violator chooses to appeal instead of pay the fine, the penalty will go through several different steps to reach a final resolution. Independent commissions, DENR's Secretary, the Office of Administrative Hearings (OAH) and the courts can all play a role in determining the final amount of a penalty that is contested. The appeals process results in a final determination of the facts alleged in the assessment document and the final amount of the penalty.

Contested Cases

A violator may chose to contest the assessment by filing a petition for a contested case with the Office of Administrative Hearings. The contested case process is governed by the North Carolina Administrative Procedure Act (APA) (N.C.G.S. 150B *et seq.*). For contested cases commenced on or before December 31, 2011, which includes all cases commenced within the fiscal years covered in this document a hearing would be conducted by an Administrative Law Judge (ALJ), who would then issue a recommended decision. After the recommended decision was issued, the case would then proceed to the designated authority for the issuance of a final agency decision. Depending on the program, the final agency decision maker may have been the Secretary of DENR, the State Health Director or an independent citizen commission, such as the Environmental Management Commission (EMC). Once the final agency decision was issued, a violator then had thirty days to pay or seek further appeal through judicial review. The penalty did not become due and owing until the conclusion of the appeals process.

The APA also provides for mediation, a type of formal settlement conference, as part of the contested case process. In addition, it is the State's policy, as codified in N.C.G.S. 150B-22, for parties in a contested case to settle disputes through informal settlement discussions. Any reductions to the amount of the assessed penalty as part of the formal or informal settlement process as described here are considered to be "pre-established" adjustments.

Remission Requests

Another option available for some penalties is remission. A request for remission must accompany the waiver of the right to seek a contested case in OAH and a stipulation of the facts as contained in the assessment document. Generally, a remission request first goes to the division director, who is typically authorized to resolve the matter. However, if a resolution cannot be attained, then the matter is forwarded to the final agency decision authority² with a recommendation from the director. Once the final agency decision is issued, the violator may seek judicial review of the decision similar to contested cases. The penalty becomes final at the conclusion of the remissions process, including judicial review. A program's applicable statutes control whether the remission option is available.

Failure to Exhaust Administrative Remedies

If a violator does not exercise one of the available administrative options and does not pay the assessment within the appropriate timeframe, then the penalty becomes established upon the expiration of the response period. For cases in which no response is received, the program forwards the case to the Department's centralized collection unit to initiate collection efforts.

¹ The contested case procedures were significantly modified by the enactment of the Regulatory Reform Act (Session Law 2011-398). Though an analysis of the effects of the Act is beyond the scope of this document, the Act provides that ALJ decisions are now the final decisions and that both the violator and the agency has the right to seek judicial review.

² Final agency decision authority in remission cases was not modified by the Regulatory Reform Act in the same manner as contested cases.

Centralized Collections

In 2007, DENR centralized its collections efforts for outstanding civil penalties. The efforts of the centralized collections unit are overseen by the collections business officer, who is located within DENR's controller's office. The collections unit also consists of designated legal staff within the Environmental Division of the Attorney General's Office.

DENR Collections

The business officer coordinates the electronic transfer of collection cases from the enforcement coordinators of the various programs to the collections unit. The business officer then initiates collection efforts through the use of demand letters and telephone calls, and provides updates to the appropriate enforcement coordinator as the case proceeds. The business officer electronically tracks the status and collection efforts for each case.

In compliance with the State Controller's Office guidelines on past due account collection, the business officer sends an initial demand letter to the violator requesting payment within 30 days. If no response is received, then a second and final demand letter is mailed to notify the violator that the case will be referred to the Attorney General's Office within 30 days if payment is not submitted. The business officer also attempts to contact the violator by telephone if a contact number is available.

In addition to managing and coordinating DENR's penalty collection efforts, the business officer also serves as an additional resource for enforcement coordinators by providing assistance in a broad range of areas involving DENR's collection efforts. He is authorized to offer payment plans to the violator, and provides a central point of contact for settlement discussion. Though settlement authority remains with the program, settlement correspondence is handled by the business officer. If a settlement or payment plan is reached with the violator, the business officer also coordinates the execution of the agreement. The business officer may also seek assistance from the Attorney General's Office regarding settlements. If the business officer is unable to resolve the matter, then the case is transferred to the Attorney General's Office for further efforts.

AGO Collections

The AGO collections team was created in response to DENR's expressed need for efficient, centralized legal representation in DENR's collection efforts. In addition to representing DENR in collections actions in State and federal court, AGO collections also provides legal guidance to DENR concerning virtually all phases of the assessment and collections process, including questions concerning responsible party identification, remaining site compliance issues, service of assessment documents, penalty establishment, asset and violator location, and more.

DENR's business officer coordinates the electronic transfer of collection cases to the Attorney General's Office, along with the appropriate documents from the enforcement coordinators. When a case is transferred to AGO collections, the case is entered into the Office's tracking and document management system. The case is assigned to and reviewed by the collections attorney, and a demand letter is sent to the violator. If the violator does not submit payment or otherwise respond to the demand letter, a complaint is drafted with the appropriate exhibits. The draft complaint and exhibits are then sent to the appropriate staff within the program for verification. After the complaint is verified, it is then filed in the appropriate court along with the necessary filing and service fees. A copy of the complaint must then be served on the violator. How a case proceeds through the legal process is dependent on the response, if any, of the violator.

The authority to file a collection action is statutory in nature, and is generally referenced in the same statute as the DENR programs' assessment authority. Typically, the complaint is filed in the county in which the violator resides or in which the principal place of a business is located, and requests the entry of an order granting judgment in favor of DENR for the outstanding civil penalty, plus interest and court costs. The minimum

filing and service fees (i.e. court costs) associated with the institution of a collection action and obtaining a judgment in favor of the Department is currently \$250, which includes \$200 filing fee, \$30 service fee, and \$20 fee per motion. The court costs are in addition to labor and resource costs associated with a collection action.

A judgment in North Carolina automatically attaches as a lien against any real property the defendant has in the county in which the judgment was obtained. Judgments can also be transcribed to other counties within North Carolina, or domesticated in other States, for a fee. Whereas actions to collect outstanding civil penalties are generally required to be filed within three years of the date the penalty is finalized, an order for judgment secures DENR's right to collect the amount sought for a minimum period of ten years. The judgment can also be renewed in a subsequent action for an additional ten years (maximum period of twenty years), and accrues interest at the legal rate until paid in full. Judgment liens may also be reflected on the violator's credit report. Payments toward existing judgments are processed through the clerk of court's office in the county in which the judgment has been docketed.

In the event a violator files for bankruptcy, the case is transferred immediately to the AGO collections attorney, and the program's staff is notified of the bankruptcy proceeding so as to avoid violating the Bankruptcy Court's automatic stay. A claim for the penalty is filed in the bankruptcy proceeding, and the claim is handled in accordance with the process for that court.

<u>Post-Established Settlements and Payment Arrangements</u>

During the collection process (i.e. after the penalty has been established), violators often inquire as to the possibility of settling the outstanding penalty.³ Settlement offers made by the violator are referred to the program responsible for assessing the initial penalty for its consideration. Several factors are taken into consideration when weighing a settlement offer, including the nature of violation, compliance status, ability to pay, likelihood of recovery, and cost of litigation. If it is determined that a settlement is the most appropriate course of action, then the offer may be accepted or counter offer may be made. If both parties agree to a reduced amount, then an agreement is drafted reflecting the agreement and is subsequently executed by the parties.

Payment arrangements, or "payment plans," have also been utilized by the Department to resolve an outstanding penalty and secure payment. Payment plans may be executed either pre- or post-establishment, and may also be included as part of a settlement agreement.

Debt Setoff

DENR is unable to participate in the North Carolina Department of Revenue's Setoff Debt Program because DENR, in accordance with N.C.G.S. § 132-1.10 of the North Carolina Public Records Act, does not collect the violator's social security number. However, DENR collections unit continues to explore additional opportunities to participate, where possible, in the various setoff programs available through NCDOR.

Uncollectible Penalties

Despite the Department's best efforts, it may become necessary for the Department to cease collection efforts and close cases as uncollectible. Penalties may be deemed uncollectible for various reasons, including the death of the violator, an inability to obtain service on a violator, discharge in bankruptcy, or corporate dissolution, among others. The decision to terminate collection efforts is made by the program responsible for the penalty assessment at issue. A case may also be recommended for closure as uncollectible by DENR's business officer or legal counsel.

³ It is important to note that settlement negotiations regarding post-established penalties must be initiated by the violator, unless otherwise ordered by a court as part of a collection action.

Payment Processing

When a payment is received by a program, the payment is logged by administrative personnel and then delivered to the staff member responsible for overseeing the assessment, usually the enforcement coordinator. The enforcement coordinator then enters the payment into the program's electronic tracking system, completes a cash receipts journal voucher, and then submits the payment and the voucher to the program's budget officer. Payments are required to be turned over to the budget office within 24 hours of receipt. The program's budget officer then submits the payment and accompanying documentation to DENR's Controller's Office — Cash Management Section for deposit.

If the payment is received by DENR collections, the payment is routed to the Business Officer. The Business Officer then logs in the payment, completes a cash receipts journal voucher, and submits the payment and documentation to DENR's Controller's Office — Cash Management Section. The Business Officer provides a redacted electronic copy of the payment and cash receipts journal voucher to the program's enforcement coordinator and budget officer.

Payments received by the Attorney General's Office are processed similarly. The payment is logged in by administrative staff, and then delivered to DENR's collections unit for processing. The payment is then delivered to the controller's office within twenty four hours of receipt, and an electronic redacted copy of the payment and payment memo is sent to the business officer and enforcement coordinator.

Category and Itemization Description

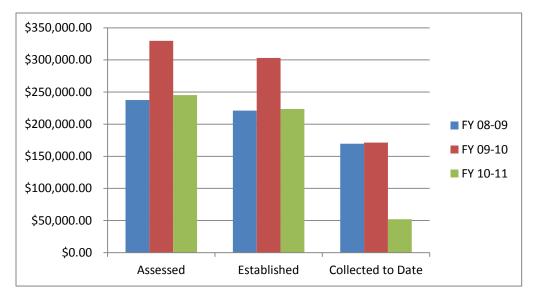
The following is a list of each of the categories and items appearing in the data below, and a brief description as to what the item contains. Many of these terms have also been described in greater detail in the information above.

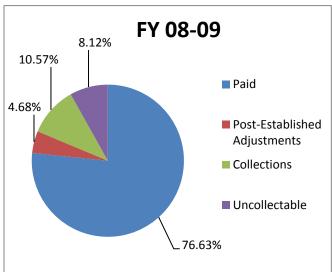
- <u>Assessment Authorization and Criteria</u>- provides the statutory reference to the program's assessment authority, and the criteria to be considered in formulating an assessment. Note: some references may include citations to the program's applicable administrative rules.
- <u>Penalty Adjustments</u>- describes the remedies available to the violator and program for the adjustment of the initial penalty assessment prior to the penalty becoming finalized.
- <u>Assessed</u>- reflects the total amount assessed by the program during the applicable fiscal year.
- <u>Pre-Established Adjustments</u>- the total amount of all adjustments made to the initial assessment amount prior to the finalization of the penalty.
- <u>Post-Established Adjustments</u>- reflects those adjustments made after the penalty became final (i.e. settlements).
- <u>Not Yet Established</u>- accounts for those penalties that were assessed in the specified fiscal year, but have not yet been finalized.
- <u>Established</u>- the total sum of the finalized penalty amount, regardless of when it became established, for all of the penalties assessed in each of the fiscal years. The amount also reflects any pre-establishment adjustment to the initial penalty assessment.
- <u>Established Amount Itemization</u>- This category contains an itemized list reflecting the various status of the balances constituting the established amount.
- <u>Paid Amount</u>- all sums collected to date for penalties assessed in the specified fiscal year. To calculate the collection rate, this category was compared against the established amount for each fiscal year.

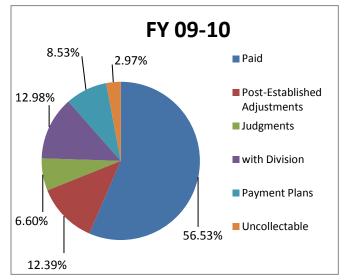
- <u>Collections</u>- the sum of active cases being pursued by either DENR's business officer or the Attorney General's Office.
- Judgments- the total amount secured by judgments for penalties assessed in each of the fiscal years.
- <u>with Division</u>- reflects those cases with an outstanding civil penalty balance that have not yet been transferred from the program to the centralized collections unit for additional efforts. A program may retain a case for various reasons, including active compliance issues, administration of special orders by consent, or other issues beyond those solely related to the collection of the penalty.
- <u>Payment Plans</u>- The sum of the remaining balance for all of those cases where the outstanding penalty is being resolved through payment plans. Any money already received pursuant to the payment arrangement is reflected in the Paid Amount category.
- Remaining Balance Itemization- This category includes those items that constitute the remaining balance
 amount. This category reflects the difference between the established amount and the collected amount,
 and provides an itemization of how the remaining balance is currently designated.
- <u>Uncollectable</u>- the sum of those cases that have been closed as uncollectible for penalties assessed in each of the fiscal years.

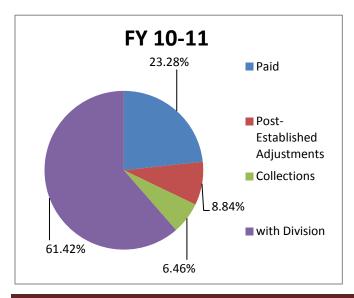
	Aquifer Pi	rotection, Division	of W	Vater Quality (A	acct 4355000	26)						
Assessment Authorization and		5.6A and 143B-282.					ations which als	:0				
Criteria		GS 143-215.6A and	•			1 1101	ations, winch als					
Program Description	handle wastev body. The soli is also the lead groundwater permits for wa clean-up requ injection contrinitiated by re Other penaltic central office	he Animal Feeding Operations and Land Application units regulate a wide range of facilities that andle wastewater or bio-solids but are not designed to discharge pollutants directly into a water ody. The solids generated by any wastewater treatment facilities are regulated. Aquifer Protection also the lead state agency for groundwater protection, which includes responsibilities for roundwater pollution prevention, groundwater quality classification and standards, review of ermits for wastes that may enter the groundwater, developing and implementing groundwater lean-up requirements, promoting resource restoration, well construction rules, underground njection control and groundwater quality monitoring. The penalty assessment process is generally nitiated by regional office staff when a violation is revealed through an inspection or complaint. Other penalties may be initiated by failure to submit scheduled reports. Penalties are assessed by the entral office staff through delegated authority. The Environmental Management Commission is the gency's designated entity for rule making and final agency decisions for this program.										
Examples of Regulated Entities	wastewater sp	nimal farms; Municipal wastewater treatment plants that apply waste to land; Industrial rastewater spray facilities; Industrial and municipal wastewater treatment plants producing esiduals needing disposal on land; Wastewater spray irrigation systems; Well construction; DWQ-esponsible groundwater pollution incidents										
System Used to Track Assessment and Collection Information	initiation to cl	WQ utilizes BIMS (Basin-wide Information Management System) to track assessments from litiation to closure, including dates and events. Records are updated and maintained by central and egional office personnel.										
Penalty Adjustments	remission of the	appealing the pena he assessed penalty violator and direct ne information abo	y. Tho tor ar	ose requests go i	nitially to the	divis	ion director, and	then to				
<u>Amounts</u>	FY	08-09		FY 09-10			FY 10-11	1				
	<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>				
Assessed	\$ 237,450		\$	329,773.75		\$	245,384.00					
Pre-Established Adjustments	\$ 16,225	.00 6.83%	\$	26,625.00	8.07%	\$	21,700.00	8.84%				
Not Yet Established	\$	-	\$	-		\$	-					
Established Penalty	\$ 221,225		\$	303,148.75	91.93%	\$	223,684.00	91.16%				
<u>Totals</u>	\$ 237,450	<u>100.00%</u>	\$	329,773.75	<u>100.00%</u>	<u>\$</u>	245,384.00	<u>100.00%</u>				
Established Amount Itemization	¢ 460.537	C4 7C C20/	<u>,</u>	474 260 24	EC E20/	,	F2 000 00	22.200/				
Paid Amount	\$ 169,527.		\$	171,368.24	56.53%	\$	52,060.00	23.28%				
Post-Established Adjustments Collections	\$ 10,355 \$ 23,386		\$	37,566.34	12.39%	\$	14,457.68	6.46%				
Judgments	\$ 23,386 \$.48 10.57%	\$ \$	20,000.00	6.60%	\$ \$	19,779.00	8.84%				
with Division	\$	-	\$	39,351.25	12.98%	\$ \$	137,387.32	61.42%				
Payment Plans		-	l :	25,862.92	8.53%		157,367.32	01.42%				
Uncollectable	\$ \$ 17,955	.06 <u>8.12%</u>	\$ \$	9,000.00	8.53% <u>2.97%</u>	\$ \$	-					
Totals	\$ 221,225		\$	303,148.75	<u>2.57%</u> <u>100.00%</u>	\$	223,684.00	<u>100.00%</u>				
Remaining Balance Itemization	<u> </u>	100.0070		303,140.73	100.0070		<u> </u>	100.0070				
Collections	\$ 23,386	.48 56.57%										
Judgments	\$	-	\$	20,000.00	21.23%	\$	19,779.00	12.58%				
with Division	\$	-	\$	39,351.25	41.77%	\$	137,387.32	87.42%				
Payment Plans	\$	_	\$	25,862.92	27.45%	\$	-					
Uncollectable	\$ 17,955	.06 43.43%	\$	9,000.00	9.55%	\$	-	_				
<u>Totals</u>	\$ 41,341		\$	94,214.17	100.00%	\$	157,166.32	100.00%				

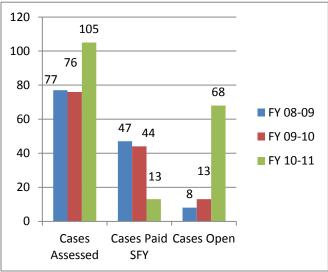
APS Collection Data





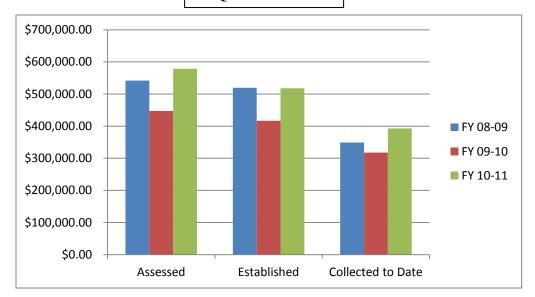


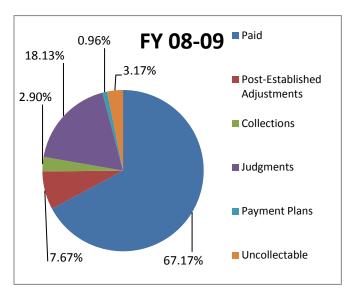


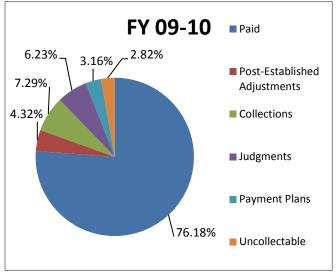


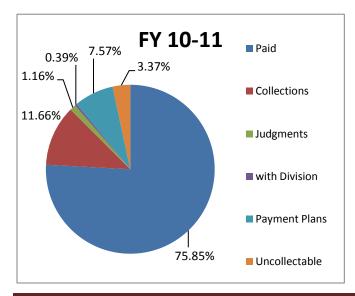
		Divisio	n of Air Qua	ality (Acct 43550002	6)					
Assessment Authorization and Criteria	NCG	S 143-215.114A				•					
Program Description	enfo estal impl Mote and Com	DAQ regulates the quality of air in North Carolina through technical assistance and enforcement of state and federal air pollution standards. The division issues permits, establishes ambient air quality standards, monitors the air quality of the state and implements a vehicle inspection/maintenance program in conjunction with the Division of Motor Vehicles (DOT). Personnel in the regional offices are responsible for the inspection and reporting of violations to the central office. The Environmental Management Commission is the entity responsible for promulgating administrative rules and issuing final decisions for this program.									
Examples of Regulated Entities		ndustries with air emissions; Illegal open burning; Mobile sources and gas stations; Animal operations with liquid waste management systems									
System Used to Track Assessment and Collection Information	1	utilizes iBEAM its. Records are						_			
Penalty Adjustments	remi then	Idition to appea ssion of the ass to the EMC if the fully described	essed penal ne violator a	ty. Th	nose requests g irector are unal	o initially to	the	division director	, and		
<u>Amounts</u>		FY 08-09			FY 09-10			<u>FY 10-11</u>			
		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		
Assessed	\$	541,944.01		\$	447,102.49		\$	578,625.28			
Pre-Established Adjustments	\$	22,500.00	4.15%	\$	30,124.00	6.74%	\$	57,201.00	9.89%		
Not Yet Established	\$	-		\$	-		\$	3,750.00	0.65%		
Established Penalty	\$	519,444.01	<u>95.85%</u>	\$	416,978.49	93.26%	\$	517,674.28	<u>89.46%</u>		
<u>Totals</u> <u>Established Amount</u> <u>Itemization</u>	<u>\$</u>	<u>541,944.01</u>	<u>100.00%</u>	<u>\$</u>	<u>447,102.49</u>	<u>100.00%</u>	\$	578,625.28	<u>100.00%</u>		
Paid Amount	\$	348,926.51	67.17%	\$	317,674.46	76.18%	\$	392,673.10	75.85%		
Post-Established Adjustments	\$	39,855.98	7.67%	\$	17,995.13	4.32%	\$	-			
Collections	\$	15,050.00	2.90%	\$	30,388.00	7.29%	\$	60,367.00	11.66%		
Judgments	\$	94,150.27	18.13%	\$	25,985.15	6.23%	\$	6 ,000.00	1.16%		
with Division	\$	-		\$	-		\$	2,000.00	0.39%		
Payment Plans	\$	4,986.25	0.96%	\$	13,185.75	3.16%	\$	39,184.18	7.57%		
Uncollectable	\$	16,475.00	3.17%	\$	11,750.00	2.82%	\$	17,450.00	3.37%		
<u>Totals</u> <u>Remaining Balance</u> <u>Itemization</u>	\$	<u>519,444.01</u>	<u>100.00%</u>	<u>\$</u>	<u>416,978.49</u>	<u>100.00%</u>	<u>\$</u>	517,674.28	<u>100.00%</u>		
Collections	\$	15,050.00	11.52%	\$	30,388.00	37.37%	\$	60,367.00	48.29%		
Judgments	\$	94,150.27	72.06%	\$	25,985.15	31.96%	\$	6,000.00	4.80%		
with Division	\$	-		\$	-		\$	2,000.00	1.60%		
Payment Plans	\$	4,986.25	3.82%	\$	13,185.75	16.22%	\$	39,184.18	31.35%		
Uncollectable	\$	16,475.00	12.60%	\$	11,750.00	<u>14.45%</u>	\$	17,450.00	13.96%		
<u>Totals</u>	\$	130,661.52	<u>100.00%</u>	\$	81,308.90	100.00%	\$	125,001.18	100.00%		

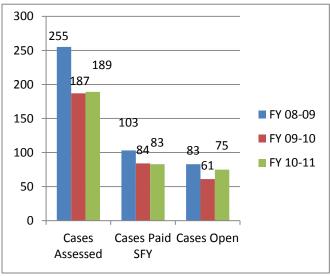
DAQ Collection Data





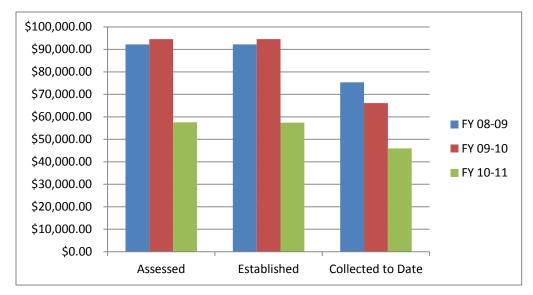


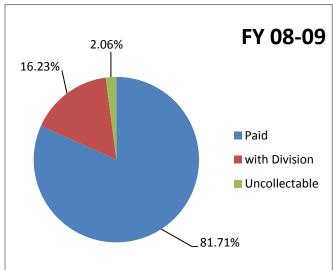


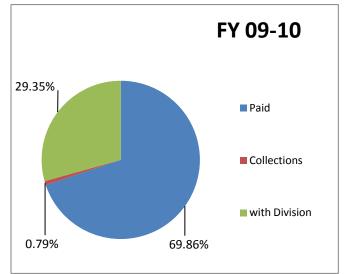


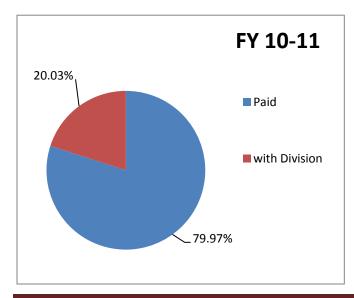
		Division of Co	oastal Mana	agem	ent (Acct 435500	0033)					
Assessment Authorization and Criteria	NCG	S 113A-126 an	id 15A NCA	C 07J	.0409(f)(3)						
Program Description	fede and (AEC an a have The rules	CM carries out the state's Coastal Area Management Act, the Dredge and Fill Law, and the ederal Coastal Zone Management Act of 1972 (CZMA) in the 20 coastal counties, using rules and policies of the N.C. Coastal Resources Commission (CRC). Areas of environmental concern AECs) are the foundation of the CRC's permitting program for coastal development. An AEC is a rea of natural importance: it may be easily destroyed by erosion or flooding; or it may ave environmental, social, economic or aesthetic values that make it valuable to our state. The Coastal Resources Commission is the entity responsible for promulgating administrative cules for this program, and final decisions for penalty assessments issued by DCM under its elegated authority.									
Examples of Regulated Entities		ose proposing any development (construction, excavation, filling) in the coastal area and thin an AEC.									
System Used to Track Assessment and Collection Information		ords are mainta ked electronica		•	ed by the complia m's database.	ance coordin	ator.	Assessments ev	ents are		
Penalty Adjustments	DCM direct	I utilizes inforr ctor of DCM ha case is heard b	nal settleme as authority y an ALJ, pe	ent or to se enalty	nalty assessment nce the violator f ttle cases prior to settlements mus ed within 20 day	iles a contest to the hearing st be approv	ted ca g of the ed by	ase petition. The ne case by an Al the CRC. In ad	e J. Once		
<u>Amounts</u>		FY 08-09			FY 09-10			FY 10-11			
		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		
Assessed	\$	92,200.00		\$	94,568.00		\$	57,575.00			
Pre-Established Adjustments	\$	-		\$	-		\$	150.00	0.26%		
Not Yet Established	\$	-		\$	-		\$	-			
Established Penalty	\$	92,200.00	100.00%	\$	94,568.00	100.00%	\$	57,425.00	99.74%		
<u>Totals</u>	\$	92,200.00	100.00%	\$	94,568.00	100.00%	\$	57,575.00	100.00%		
Established Amount Itemization											
Paid Amount	\$	75,335.00	81.71%	\$	66,064.00	69.86%	\$	45,925.00	79.97%		
Post-Established Adjustments	\$	-		\$	-		\$	-			
Collections	\$	-		\$	750.00	0.79%	\$	-			
Judgments	\$	-		\$	-		\$	-			
with Division	\$	14,965.00	16.23%	\$	27,754.00	29.35%	\$	11,500.00	20.03%		
Payment Plans	\$	-		\$	-		\$	-			
Uncollectable	\$	1,900.00	<u>2.06%</u>	\$	<u>-</u>	-	\$	<u>-</u>	-		
<u>Totals</u>	\$	92,200.00	<u>100.00%</u>	\$	94,568.00	100.00%	\$	57,425.00	100.00%		
Remaining Balance Itemization											
Collections	\$	-		\$	750.00	2.63%	\$	-			
Judgments	\$	-		\$	-		\$	-			
with Division	\$	14,965.00	88.73%	\$	27,754.00	97.37%	\$	11,500.00	100.00%		
Payment Plans	\$	_	,	\$	-		\$	-			
Uncollectable	\$	1,900.00	11.27%	\$	-	-	\$		-		
<u>Totals</u>	\$	16,865.00	100.00%	\$	28,504.00	100.00%	\$	11,500.00	<u>100.00%</u>		

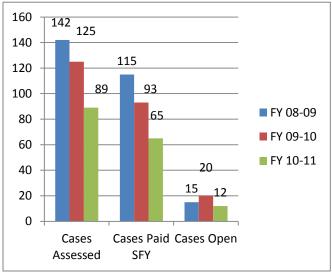
DCM Collection Data





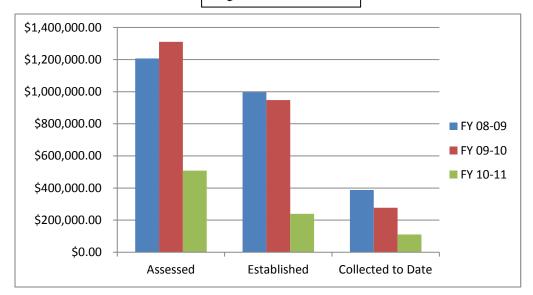


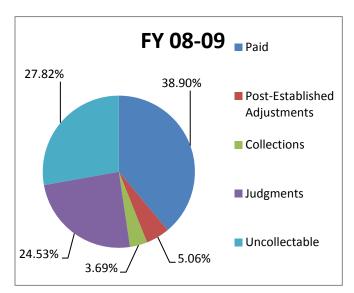


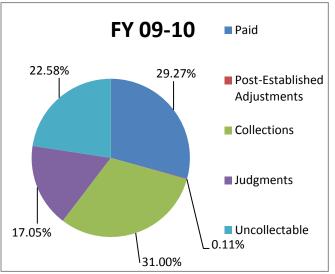


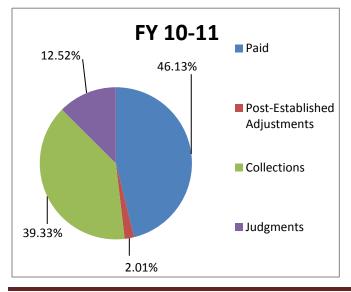
		•	•		ind Sedimentati	•				
	NC	GS 113A-64 and			ces (Acct 435500	1026)				
Assessment Authorization and Criteria	INCO	33 113A-64 and	15A NCAC (J4C.	0106					
Program Description	sed the Ass star plar the	Erosion and Sectimentation pollumentation pollumentation pollumentation pollumentation. The actimates and the regions, inspection of Act. The Sedimentative rules	ution from I f the Sedim is performa onal office land-distur entation Co	and- enta nce- s are rbing mmi	disturbing activition Pollution Cooriented legislates responsible for activities and the ssion is the entit	ties. The prontrol Act by ion that estathe review are initiation of	ogram k the No blishes nd app of enfor	pegan in 1974 forth Carolina Go five mandator roval of erosion roement for vice	following eneral Ty n control	
Examples of Regulated Entities		land-disturbing I.C.G.S. 113A-52		acre	or more in size	except those	e land-d	listurbing activ	ities listed	
System Used to Track Assessment and Collection Information		Access database orcement files a			•		•			
Penalty Adjustments	Hov sett	The statutory structure for LQS penalty assessments does not provide a remission option. However, LQS allows the violator the option to seek informal settlement. The informal settlement process does not extend the violator's right to contest the penalty, which is governed by the APA, but can proceed in conjunction with a contested case.								
<u>Amounts</u>		FY 08-09			FY 09-10			FY 10-11		
		<u>Dollar</u>	<u>Percent</u>					<u>Dollar</u>	<u>Percent</u>	
Assessed	\$	1,207,023.00		\$	1,310,167.00		\$	508,437.00		
Pre-Established Adjustments	\$	189,923.00	15.73%	\$	142,397.50	10.87%	\$	122,877.00	24.17%	
Not Yet Established	\$	19,110.00	1.58%	\$	220,049.00	16.80%	\$	146,300.00	28.77%	
Established Penalty	\$	997,990.00	<u>82.68%</u>	\$	947,720.50	72.34%	\$	239,260.00	<u>47.06%</u>	
<u>Totals</u> <u>Established Amount</u> <u>Itemization</u>	\$	1,207,023.00	<u>100.00%</u>	\$	1,310,167.00	<u>100.00%</u>	\$	508,437.00	<u>100.00%</u>	
Paid Amount	\$	388,195.00	38.90%	\$	277,407.50	29.27%	\$	110,381.58	46.13%	
Post-Established Adjustments	\$	50,485.00	5.06%	\$	1,000.00	0.11%	\$	4,810.00	2.01%	
Collections	\$	36,850.00	3.69%	\$	293,769.00	31.00%	\$	94,108.42	39.33%	
Judgments	\$	244,780.00	24.53%	\$	161,584.00	17.05%	\$	29,960.00	12.52%	
with Division	\$	-		\$	-		\$ -			
Payment Plans	\$ -	-		\$	-		\$ -			
Uncollectable	\$	277,680.00	27.82%	<u>\$</u>	213,960.00	22.58%	<u>\$ -</u>		0.00%	
<u>Totals</u> <u>Remaining Balance</u> <u>Itemization</u>	\$	997,990.00	100.00%	\$	947,720.50	<u>100.00%</u>	\$	239,260.00	<u>100.00%</u>	
Collections	\$	36,850.00	6.59%	\$	293,769.00	43.89%	\$	94,108.42	75.85%	
Judgments	\$	244,780.00	43.76%	\$	161,584.00	24.14%	\$	29,960.00	24.15%	
with Division	\$	-		\$	-		\$ -			
Payment Plans	\$	-		\$	-		\$ -			
Uncollectable	\$	277,680.00	<u>49.65%</u>	\$	213,960.00	<u>31.97%</u>	<u>\$ -</u>		0.00%	
<u>Totals</u>	\$	559,310.00	100.00%	\$	669,313.00	<u>119.67%</u>	\$	124,068.42	<u>100.00%</u>	

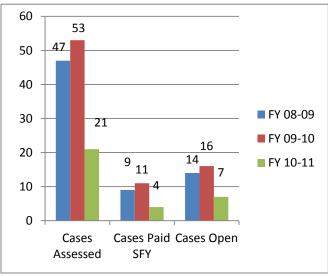
LQS Collection Data





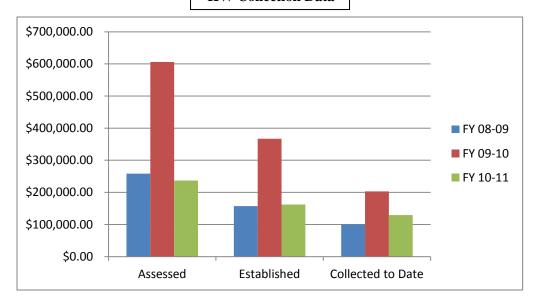


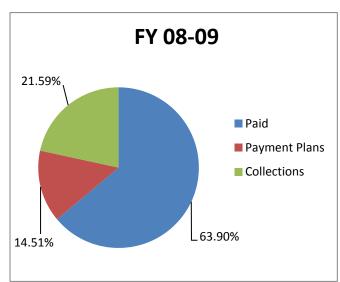


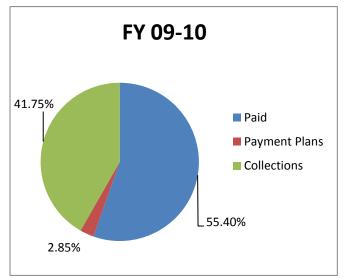


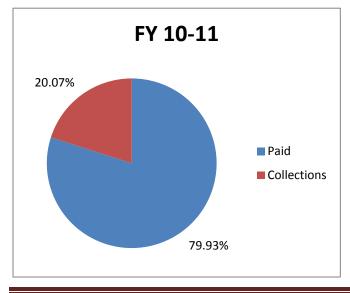
Ha	zardous Waste Section	on. Division of	Was	te Management	t (Acct 4355	00)					
Assessment Authorization and Criteria	NCGS 130A-22, 15A incorporated by refe	NCAC 13A .01					various federal a	analogs			
Program Description	the adopted federal requirements and a regulations and Univ equipment and lam when a compliance Commission for Pub	HWS ensures the safe management of hazardous waste in North Carolina. The section applies the adopted federal rules that incorporate the Resource Conservation and Recovery Act (RCRA) requirements and additional state rules. In addition, the section oversees the RCRA Used Oil regulations and Universal Waste Management (e.g. batteries, pesticides, mercury-containing equipment and lamps). The program's Section Chief has delegated authority to assess penalties when a compliance issue is identified through site inspections by regional office staff. The Commission for Public Health is the entity responsible for promulgating administrative rules regarding the Hazardous Waste Program.									
Examples of Regulated Entities	disposal facilities; Fa	Small and large quantity generators; Hazardous waste transporters; Treatment / storage / disposal facilities; Facilities that are in various states of closure and post-closure; Used oil facilities; Universal Waste									
System Used to Track Assessment and Collection Information	This program utilize system (RCRA Info). assessment records efforts, and coordin	The Financial . The enforcer	and I ment	nformation Unit coordinator is a	t Supervisor Iso responsi	is res	ponsible for ma	nintaining			
Penalty Adjustments	Though the statutor informal conference violation. The penalutilizes the EPA's AE The informal confer However, this progr	es to allow a v ty may be adj BLE software in ences do not	iolato usted n cons exten	r to present add in light of the a sidering adjustm d the 30-day pe	ditional info dditional infonent nent request riod in whic	rmation forma ts bas h to f	on related to the tion. This progra ed on financial l	e am hardship.			
<u>Amounts</u>	FY 08-09	_		FY 09-10			FY 10-11				
	<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>			
Assessed	\$ 258,523.25	20.240/	\$	605,999.67	20.400/	\$	236,788.10	24.600/			
Pre-Established Adjustments	\$ 101,432.01	39.24%	\$	239,272.43	39.48%	\$	74,833.10	31.60%			
Not Yet Established Established Penalty	\$ 157,091.24	60.76%	\$	366,727.24	60.52%	\$ \$	- 161,955.00	68.40%			
Totals	\$ 258,523.25	100.00%	ب \$	605,999.67	100.00%	\$ \$	236,788.10	100.00%			
Established Amount Itemization	<u> </u>	100.0070	<u></u>	003,333.07	<u>100:0078</u>	<u> </u>	230,700:10	100.00/4			
Paid Amount	\$ 100,383.25	63.90%	\$	203,157.50	55.40%	\$	129,455.00	79.93%			
Post-Established Adjustments	\$ -	•				\$	-				
Collections	\$ 33,918.00	21.59%	\$	153,123.57	41.75%	\$	-				
Judgments	\$ -		\$	-		\$	-				
with Division	\$ -	•	\$	-		\$	-				
Payment Plans	\$ 22,789.99	14.51%	\$	10,446.17	2.85%	\$	32,500.00	20.07%			
Uncollectable	\$ -	-	\$	_	-	\$	_	-			
<u>Totals</u>	<u>\$ 157,091.24</u>	<u>100.00%</u>	\$	366,727.24	<u>100.00%</u>	\$	161,955.00	<u>100.00%</u>			
Remaining Balance Itemization											
Collections	\$ 33,918.00	59.81%	\$	153,123.57	93.61%	\$	-				
Judgments	\$ -	•	\$	-		\$	-				
with Division	\$ - 22.780.00	40 100/	\$	10 446 47	C 200/	\$	-	100 000/			
Payment Plans	\$ 22,789.99	40.19%	\$ ¢	10,446.17	6.39%	\$	32,500.00	100.00%			
Uncollectable	\$	100 000/	\$ •	162 560 74	100 000/	\$		100 000/			
<u>Totals</u>	<u>\$ 56,707.99</u>	<u>100.00%</u>	\$	<u> 163,569.74</u>	<u>100.00%</u>	\$	32,500.00	<u>100.00%</u>			

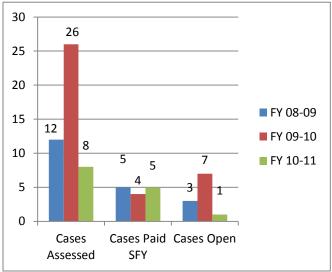
HW Collection Data





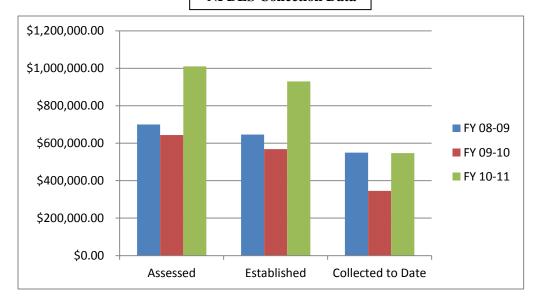


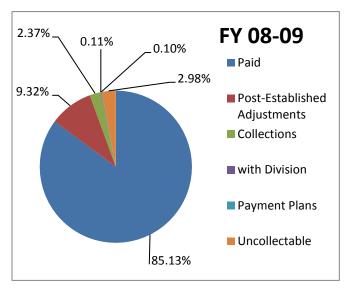


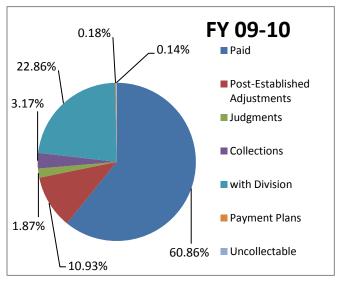


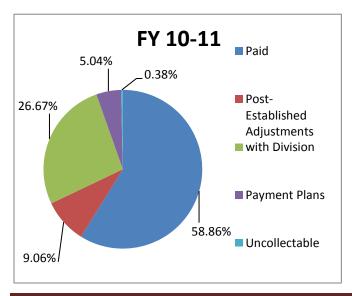
	Na	tional Pollutant	t Discharge	Elim	ination System	(NPDES)				
Surface	Wate	er Protection Se	ction, Divis	ion c	of Water Qualit	y (Acct 435	5000	026)		
Assessment Authorization and Criteria	NCG	S 143-215.6A ar	nd 143B-28	2.1						
Program Description	pollu givin dele	ition. The Clean g enforcement	Water Act responsibil g authority	of 19 ity to to th	972 initiated str the Environmente State of Nort	ict control ental Protec th Carolina	of wa tion in 19	ource discharges astewater discha Agency (EPA). Th 75. The Point So	rges ne EPA	
Examples of Regulated Entities		icipal wastewat ewater treatme		-			r tre	atment plants; Pa	ackage	
System Used to Track Assessment and Collection Information	initia	WQ uses BIMS (Basin-wide Information Management System) to track assessments from hitiation to closure, including dates and events. Records are updated and maintained by entral and regional office personnel.								
Penalty Adjustments	remi then	n addition to appealing the penalty through OAH, a violator also has the option to request emission of the assessed penalty. Those requests go initially to the division director, and hen to the EMC if the violator and director are unable to resolve the matter. The process is more fully described in the information above.								
<u>Amounts</u>		FY 08-09			FY 09-10			FY 10-11		
		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>	
Assessed	\$	700,175.45		\$	643,291.50		\$	1,010,133.09		
Pre-Established Adjustments	\$	54,079.70	7.72%	\$	74,973.00	11.65%	\$	80,255.00	7.94%	
Not Yet Established	\$	-		\$	-		\$	-		
Established Penalty	\$	646,095.75	<u>92.28%</u>	\$	568,318.50	<u>88.35%</u>	\$	929,878.09	92.06%	
<u>Totals</u> <u>Established Amount</u> <u>Itemization</u>	<u>\$</u>	700,175.45	<u>100.00%</u>	<u>\$</u>	643,291.50	<u>100.00%</u>	<u>\$</u>	1,010,133.09	<u>100.00%</u>	
Paid Amount	\$	550,006.25	85.13%	\$	345,858.31	60.86%	\$	547,295.00	58.86%	
Post-Established Adjustments	\$	60,224.00	9.32%	\$	62,111.69	10.93%	\$	84,240.37	9.06%	
Collections	\$	15,300.00	2.37%	\$	10,650.00	1.87%	\$	-		
Judgments	\$	-		\$	18,000.00	3.17%	\$	-		
with Division	\$	700.00	0.11%	\$	129,898.50	22.86%	\$	248,000.00	26.67%	
Payment Plans	\$	636.50	0.10%	\$	1,000.00	0.18%	\$	46,842.72	5.04%	
Uncollectable	\$	19,229.00	2.98%	\$	800.00	0.14%	\$	3,500.00	0.38%	
<u>Totals</u>	\$	646,095.75	<u>100.00%</u>	\$	568,318.50	<u>100.00%</u>	<u>\$</u>	929,878.09	<u>100.00%</u>	
Remaining Balance Itemization										
Collections	\$	15,300.00	42.66%	\$	10,650.00	6.64%	\$	-		
Judgments	\$	-		\$	18,000.00	11.23%	\$	-		
with Division	\$	700.00	1.95%	\$	129,898.50	81.01%	\$	248,000.00	83.13%	
Payment Plans	\$	636.50	1.77%	\$	1,000.00	0.62%	\$	46,842.72	15.70%	
Uncollectable	\$	19,229.00	<u>53.61%</u>	\$	800.00	<u>0.50%</u>	<u>\$</u>	3,500.00	<u>1.17%</u>	
<u>Totals</u>	\$	35,865.50	<u>100.00%</u>	\$	160,348.50	<u>100.00%</u>	\$	298,342.72	<u>100.00%</u>	

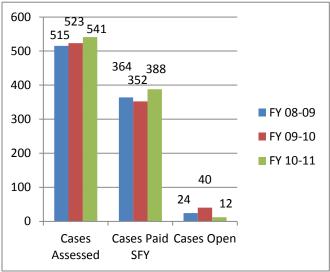
NPDES Collection Data





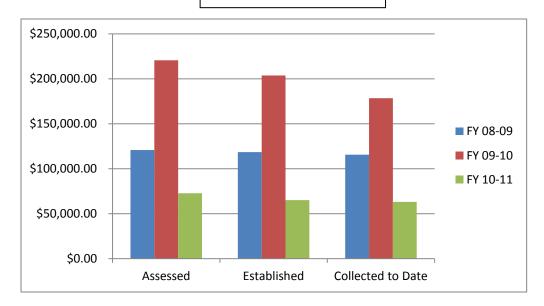


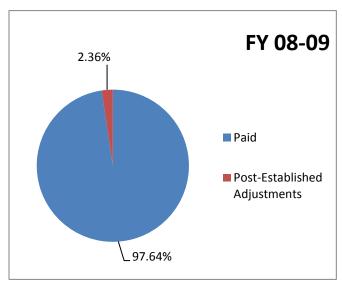


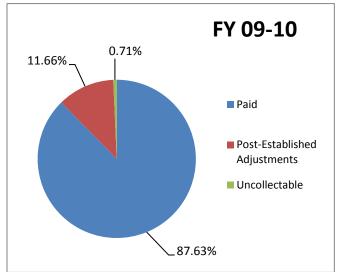


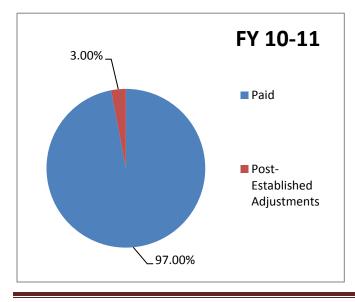
F	Pretreatment, Emerg	ency Respor	ise an	d Collection Sys	tems (PERC	:S)				
	Division	of Water Qu	ality (Acct 435500026)					
Assessment Authorization and Criteria	NCGS 143-215.6A a through administra		2.1(b);	various referen	ces to fede	ral an	alogs incorporate	ed		
Program Description	PERCS is the progra		_	· · · · · · · · · · · · · · · · · · ·	=			response		
Examples of Regulated Entities	Municipal wastewa Industrial Pretreatr		-	_			nt plants; Munic	ipal and		
Examples of Regulated Entities	initiation to closure	DWQ utilizes BIMS (Basin-wide Information Management System) to track assessments from initiation to closure, including dates and events. Records are updated and maintained by central and regional office personnel.								
System Used to Track Assessment and Collection Information	remission of the as to the EMC if the vi fully described in th	In addition to appealing the penalty through OAH, a violator also has the option to request remission of the assessed penalty. Those requests go initially to the division director, and then to the EMC if the violator and director are unable to resolve the matter. The process is more fully described in the information above.								
Penalty Adjustments	remission of the as to the EMC if the vi	n addition to appealing the penalty through OAH, a violator also has the option to request remission of the assessed penalty. Those requests go initially to the division director, and then to the EMC if the violator and director are unable to resolve the matter. The process is more fully described in the information above.								
<u>Amounts</u>	FY 08-09			FY 09-10			FY 10-11			
	<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		
Assessed	\$ 120,802.66		\$	220,525.00		\$	72,749.50			
Pre-Established Adjustments	\$ 2,400.00	1.99%	\$	16,880.00	7.65%	\$	7,725.50	10.62%		
Not Yet Established	\$	-				\$	-			
Established Penalty	\$ 118,402.66	<u>98.01%</u>	<u>\$</u>	203,645.00	92.35%	\$	65,024.00	89.38%		
<u>Totals</u>	<u>\$ 120,802.66</u>	<u>100.00%</u>	\$	220,525.00	<u>100.00%</u>	\$	72,749.50	<u>100.00%</u>		
Established Amount Itemization										
Paid Amount	\$ 115,602.66	97.64%	\$	178,447.91	87.63%	\$	63,073.30	97.00%		
Post-Established Adjustments	\$ 2,800.00	2.36%	\$	23,747.09	11.66%	\$	1,950.70	3.00%		
Collections	\$	-	\$	-		\$	-			
Judgments	\$	-	\$	-		\$	-			
with Division	\$	-	\$	-		\$	-			
Payment Plans	\$	-	\$	-		\$	-			
Uncollectable	\$	<u> </u>	\$	1,450.00	0.71%	\$	_	_		
<u>Totals</u>	<u>\$ 118,402.66</u>	<u>100.00%</u>	\$	203,645.00	<u>100.00%</u>	\$	65,024.00	100.00%		
Remaining Balance Itemization										
Collections	\$	-	\$	-		\$	-			
Judgments	\$	-	\$	-		\$	-			
with Division	\$	-	\$	-		\$	-			
Payment Plans	\$	-	\$	-		\$	-			
Uncollectable	\$	<u> </u>	\$	1,450.00	100.00%	\$		_		
<u>Totals</u>	\$	<u>- 0.00%</u>	\$	1,450.00	100.00%	\$	<u>-</u>	0.00%		

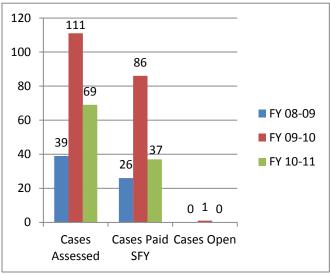
PERCS Collection Data







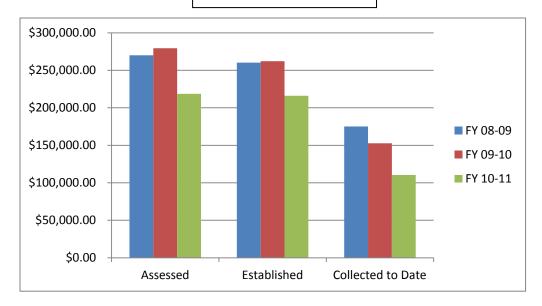


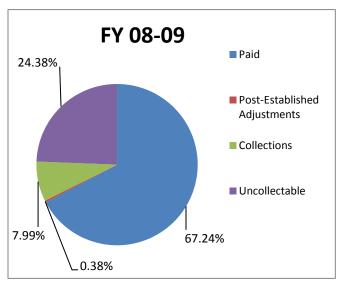


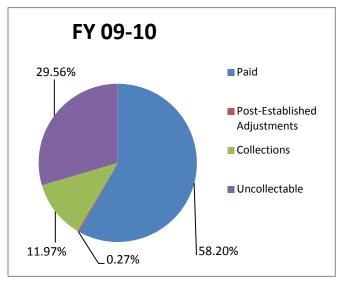
Assessment Authorization	NCGS 130A-22 and 15A NCAC 18C .1906
and Criteria	
Program Description	PWS promotes public health by ensuring that safe, potable water is available in adequate quantities to the residents and visitors of North Carolina served by public water systems by ensuring that such systems are properly located, constructed, and maintained. The section implements and enforces the provisions of the federal Safe Drinking Water Act in the state through a primacy agreement with the U.S. Environmental Protection Agency. The Commission for Public Health is the entity responsible for promulgating administrative rules regarding PWS.
Examples of Regulated Entities	Public water systems with at least 15 service connections or that serves 25 or more individuals for 60 or more days per year.
System Used to Track Assessment and Collection Information	Enforcement cases are tracked using the EPA required Safe Drinking Water Information System database (SDWIS). Enforcement records are maintained by personnel in the regional and central offices.
Penalty Adjustments	The statutory structure for PWS penalty assessments does not allow for a remission option. However, PWS allows the violator the option to seek informal settlement. The informal settlement process does not extend the violator's right to contest the penalty, which is governed by the APA, but can proceed in conjunction with a contested case. In addition, though the violator has 30 days from receipt of the assessment to file a contested case petition in OAH, the violator has 60 days from receipt of the assessment to pay the penalty.

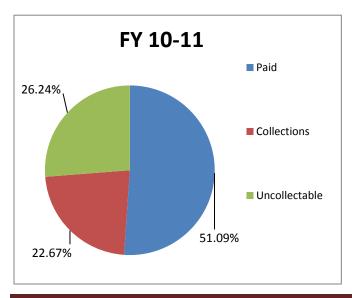
<u>Amounts</u>		FY 08-09	<u>)</u>		FY 09-10			<u>FY 10-11</u>	
		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>
Assessed	\$	270,012.50		\$	279,430.00		\$	218,655.00	
Pre-Established Adjustments	\$	9,770.00	3.62%	\$	17,200.00	6.16%	\$	2,600.00	1.19%
Not Yet Established	\$	-		\$	-		\$	-	
Established Penalty	\$	260,242.50	96.38%	\$	262,230.00	93.84%	\$	216,055.00	<u>98.81%</u>
<u>Totals</u> <u>Established Amount</u> <u>Itemization</u>	<u>\$</u>	270,012.50	<u>100.00%</u>	<u>\$</u>	279,430.00	<u>100.00%</u>	<u>\$</u>	218,655.00	<u>100.00%</u>
Paid Amount	\$	174,999.37	67.24%	\$	152,627.88	58.20%	\$	110,377.54	51.09%
Post-Established Adjustments	\$	1,000.00	0.38%	\$	700.00	0.27%	\$	-	
Collections	\$	20,797.50	7.99%	\$	31,380.00	11.97%	\$	48,980.00	22.67%
Judgments	\$	-		\$	-		\$	-	
with Division	\$	-		\$	-		\$	-	
Payment Plans	\$	-		\$	-		\$	-	
Uncollectable	\$	63,445.63	24.38%	\$	77,522.12	29.56%	\$	56,697.46	<u>26.24%</u>
<u>Totals</u>	<u>\$</u>	260,242.50	<u>100.00%</u>	\$	262,230.00	<u>100.00%</u>	<u>\$</u>	216,055.00	<u>100.00%</u>
Remaining Balance Itemization									
Collections	\$	20,797.50	24.69%	\$	31,380.00	28.81%	\$	48,980.00	46.35%
Judgments	\$	-		\$	-		\$	-	
with Division	\$	-		\$	-		\$	-	
Payment Plans	\$	-		\$	-		\$	-	
Uncollectable	\$	63,445.63	<u>75.31%</u>	\$	77,522.12	71.19%	\$	56,697.46	<u>53.65%</u>
<u>Totals</u>	\$	84,243.13	<u>100.00%</u>	\$	108,902.12	<u>100.00%</u>	<u>\$</u>	<u> 105,677.46</u>	<u>100.00%</u>

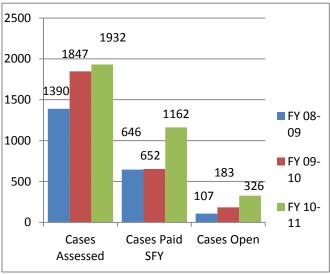
PWS Collection Data





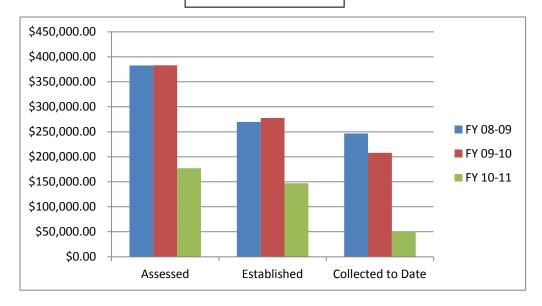


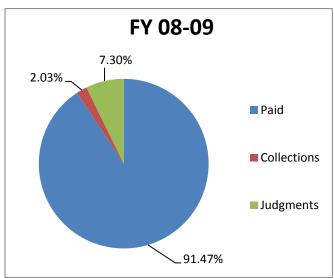


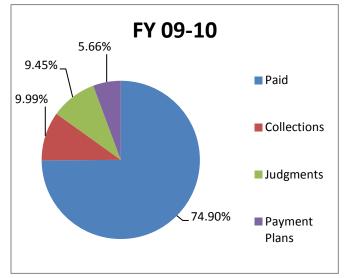


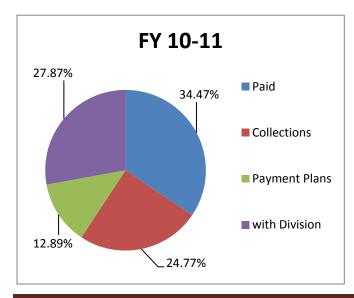
	Solid Waste Section, I	Division of \	Naste	Management (A	Acct 43550	D)				
Assessment Authorization and Criteria	NCGS 130A-22, 15A						on .0100			
Program Description	SWS regulates safe in assistance, regulation enforcement. Wast waste, construction The Field Operations inspection reports. In administrative rules	ons, permitti e types han and demoli s Branch He The Commis	ing, er dled a tion w ad ini ssion f	nvironmental mo at these facilities vaste, land-cleari tiates the assess or Public Health	nitoring, co include mu ng waste, s ment of fin is the entit	ompli inicipa crap es an	ance evaluation a al solid waste, ind tires and medical d penalties based	and dustrial waste. I on		
Examples of Regulated Entities		andfills; Transfer stations; Incinerators; Treatment and processing facilities; Compost facilities; and application sites for a variety of non-hazardous solid waste types								
System Used to Track Assessment and Collection Information	The assessment and Information is tracke compliance officer owner when necessary.	ed by both t	he co	mpliance officer	and accou	nting	technician. The			
Penalty Adjustments	Though the statutor informal conference violation. The penalt utilizes the EPA's AB The informal conference However, this programmer.	es to allow a ty may be a LE software ences do no	violat djuste in co ot exte	tor to present ad ed in light of the a nsidering adjustr and the 30-day po	ditional inf additional i ment reque eriod in wh	orma nform sts ba ich to	tion related to th nation. This progr ased on financial	e am hardship.		
<u>Amounts</u>	FY 08-09			<u>FY 09-10</u>			<u>FY 10-11</u>			
	<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		
Assessed Pre-Established Adjustments Not Yet Established	\$ 382,550.00 \$ 90,041.30 \$ 22,800.00 \$ 269,708.70	23.54% 5.96%	\$ \$ \$	383,125.00 89,625.00 15,750.00	23.39% 4.11%	\$ \$ \$	177,075.00 29,950.00 -	16.91% 83.09%		
Established Penalty Totals	\$ 269,708.70 \$ 382,550.00	70.50% 100.00%	\$ \$	277,750.00 383,125.00	72.50% 100.00%	\$ \$	147,125.00 177,075.00	100.00%		
Established Amount Itemization	3 382,330.00	100.0076	<u> </u>	383,123.00	100.0076	<u>, , </u>	177,073.00	100.0078		
Paid Amount Post-Established Adjustments	\$ 246,708.70 \$ -	91.47%	\$ \$	208,022.76	74.90%	\$ \$	50,704.78	34.47%		
Collections Judgments	\$ 5,000.00 \$ 18,000.00	2.03% 7.30%	\$ \$	27,750.00 26,250.00	9.99% 9.45%	\$ \$	36,450.00	24.77%		
with Division Payment Plans Uncollectable	\$ - \$ - \$ -		\$	- 15,727.24	5.66%	\$ \$	41,000.00 18,970.22	27.87% 12.89%		
Totals	\$ 269,708.70	100.00%	\$ \$	<u>277,750.00</u>	100.00%	\$ \$	147,125.00	100.00%		
Remaining Balance Itemization	203,700.70	130.00/0	<u> </u>	2,7,7,50.00	100.00/0	<u>-</u>	1-1,123.00	100.00/0		
	1					,				
	\$ 5.000.00	21.74%	S	27,750.00	39.80%	>	36,450.00	37.80%		
Collections	\$ 5,000.00 \$ 18,000.00	21.74% 78.26%	\$ \$	27,750.00 26,250.00	39.80% 37.65%	\$ \$	36,450.00 -	37.80%		
	· ·			27,750.00 26,250.00 -	39.80% 37.65%	\$ \$ \$	36,450.00 - 41,000.00	37.80% 42.52%		
Collections Judgments	\$ 18,000.00		\$			\$	-			
Collections Judgments with Division	\$ 18,000.00 \$ -		\$ \$	26,250.00	37.65%	\$ \$	41,000.00	42.52%		

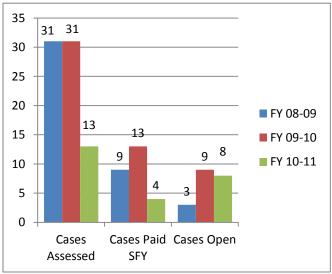
SW Collection Data





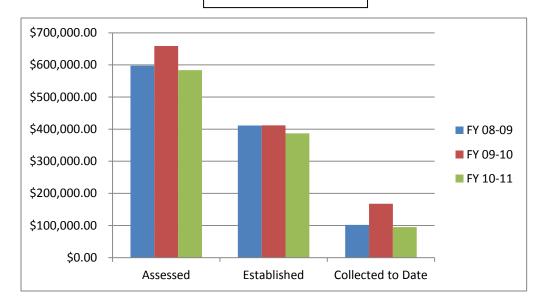


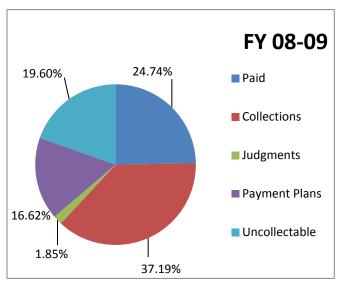


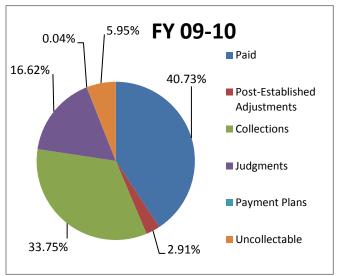


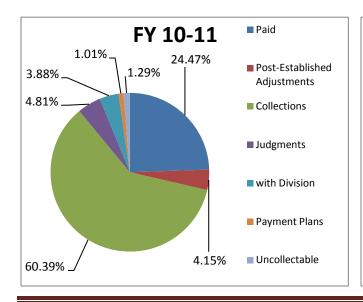
Undergrou	nd Storage Tanks Sec	ction, Division o	f Wa	aste Managem	ent (Acct 43	35500	D)			
Assessment Authorization and Criteria	NCGS 143-215.94\				•		•			
Program Description	Carolina are proper pose no danger to to make sure USTs training are availa operating practice owners and opera Action Program ovenvironment have occurred, the programitors the consinform owners, opprogram, which all are responsible fo	The Permits and Inspection Program makes sure that underground storage tanks in North Carolina are properly permitted. Permitting ensures systems are in good operating order and pose no danger to the environment or human health and safety. Inspections are performed to make sure USTs comply with the regulations that govern their operation. Education and training are available to owners and operators who would like to learn more about safe operating practices. Technical assistance, available on a one-to-one basis, is also available for owners and operators who need help bringing their systems into compliance. The Corrective Action Program oversees the assessment and cleanup of sites where releases to the environment have occurred. Once owners and operators notify the section that a spill has occurred, the program's staff work with environmental consultants to ensure the highest quality cleanup possible. Once a cleanup is under way, the program samples wells and monitors the consultants' work. Technical assistance visits are also available to train and inform owners, operators and consultants. Trust fund claims are pre-approved by this program, which also reviews technical reimbursement requests. Regional office personnel are responsible for inspections and reporting violations to the central office. The central office is responsible for issuing penalty assessments.								
Examples of Regulated Entities	Petroleum USTs, s	uch as gas statio	ons; l	Hazardous subs	stance USTs					
System Used to Track Assessment and Collection Information		An Access database is used to track penalty assessments and inspection information. Enforcement files are maintained by personnel in the regional and central offices.								
Penalty Adjustments	remission of the a then to the EMC if	In addition to appealing the penalty through OAH, a violator also has the option to request remission of the assessed penalty. Those requests go initially to the division director, and then to the EMC if the violator and director are unable to resolve the matter. The process is more fully described in the information above.								
<u>Amounts</u>	FY 08-			FY 09-10			FY 10-11	Dawaant		
Assessed	<u>Dollar</u> \$ 597,605.00	<u>Percent</u>	\$	<u>Dollar</u> 658,975.00	<u>Percent</u>	\$	<u>Dollar</u> 583,275.00	<u>Percent</u>		
Pre-Established Adjustments	\$ 166,574.15	27.87%	\$	197,680.99	30.00%	\$	135,234.89	23.19%		
Not Yet Established	\$ 19,729.90	3.30%	\$	49,700.00	7.54%	\$	61,000.00	10.46%		
Established Penalty	\$ 411,300.95	68.82%	\$	411,594.01	62.46%	\$	387,040.11	66.36%		
<u>Totals</u>	\$ 597,605.00	100.00%	\$	658,975.00	100.00%	\$	583,275.00	100.00%		
Established Amount Itemization										
Paid Amount	\$ 101,765.95	24.74%	\$	167,643.62	40.73%	\$	94,692.70	24.47%		
Post-Established Adjustments	l ¢									
•	\$ -		\$	11,975.00	2.91%	\$	16,065.28	4.15%		
Collections	\$ 120,075.00	29.19%	\$	138,895.00	33.75%	\$	233,749.83	60.39%		
Collections Judgments	\$ 120,075.00 \$ 40,500.00	29.19% 9.85%	\$ \$			\$ \$	233,749.83 18,625.00	60.39% 4.81%		
Collections Judgments with Division	\$ 120,075.00 \$ 40,500.00 \$ -	9.85%	\$ \$ \$	138,895.00 68,400.00	33.75% 16.62%	\$ \$ \$	233,749.83 18,625.00 15,000.00	60.39% 4.81% 3.88%		
Collections Judgments with Division Payment Plans	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00	9.85% 16.62%	\$ \$ \$ \$	138,895.00 68,400.00 - 180.39	33.75% 16.62% 0.04%	\$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30	60.39% 4.81% 3.88% 1.01%		
Collections Judgments with Division Payment Plans Uncollectable	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00	9.85% 16.62% <u>19.60%</u>	\$ \$ \$ \$	138,895.00 68,400.00 - 180.39 24,500.00	33.75% 16.62% 0.04% <u>5.95%</u>	\$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00	60.39% 4.81% 3.88% 1.01% <u>1.29%</u>		
Collections Judgments with Division Payment Plans Uncollectable Totals	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00	9.85% 16.62%	\$ \$ \$ \$	138,895.00 68,400.00 - 180.39	33.75% 16.62% 0.04%	\$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30	60.39% 4.81% 3.88% 1.01%		
Collections Judgments with Division Payment Plans Uncollectable <u>Totals</u> Remaining Balance Itemization	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00 \$ 411,300.95	9.85% 16.62% 19.60% 100.00%	\$ \$ \$ \$	138,895.00 68,400.00 180.39 24,500.00 411,594.01	33.75% 16.62% 0.04% 5.95% 100.00%	\$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00 387,040.11	60.39% 4.81% 3.88% 1.01% <u>1.29%</u> 100.00%		
Collections Judgments with Division Payment Plans Uncollectable Totals Remaining Balance Itemization Collections	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00 \$ 411,300.95 \$ 120,075.00	9.85% 16.62% 19.60% 100.00% 38.79%	\$ \$ \$ \$	138,895.00 68,400.00 180.39 24,500.00 411,594.01	33.75% 16.62% 0.04% 5.95% 100.00%	\$ \$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00 387,040.11 233,749.83	60.39% 4.81% 3.88% 1.01% 1.29% 100.00%		
Collections Judgments with Division Payment Plans Uncollectable Totals Remaining Balance Itemization Collections Judgments	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00 \$ 411,300.95 \$ 120,075.00 \$ 40,500.00	9.85% 16.62% 19.60% 100.00%	\$ \$ \$ \$ \$	138,895.00 68,400.00 180.39 24,500.00 411,594.01	33.75% 16.62% 0.04% 5.95% 100.00%	\$ \$ \$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00 387,040.11 233,749.83 18,625.00	60.39% 4.81% 3.88% 1.01% 1.29% 100.00% 84.61% 6.74%		
Collections Judgments with Division Payment Plans Uncollectable Totals Remaining Balance Itemization Collections Judgments with Division	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00 \$ 411,300.95 \$ 120,075.00 \$ 40,500.00 \$ -	9.85% 16.62% 19.60% 100.00% 38.79% 13.08%	\$ \$ \$ \$ \$ \$	138,895.00 68,400.00 180.39 24,500.00 411,594.01 138,895.00 68,400.00	33.75% 16.62% 0.04% <u>5.95%</u> <u>100.00%</u> 59.88% 29.49%	\$ \$ \$ \$ \$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00 387,040.11 233,749.83 18,625.00 15,000.00	60.39% 4.81% 3.88% 1.01% 1.29% 100.00% 84.61% 6.74% 5.43%		
Collections Judgments with Division Payment Plans Uncollectable Totals Remaining Balance Itemization Collections Judgments	\$ 120,075.00 \$ 40,500.00 \$ - \$ 68,360.00 \$ 80,600.00 \$ 411,300.95 \$ 120,075.00 \$ 40,500.00	9.85% 16.62% 19.60% 100.00% 38.79%	\$ \$ \$ \$ \$	138,895.00 68,400.00 180.39 24,500.00 411,594.01	33.75% 16.62% 0.04% 5.95% 100.00%	\$ \$ \$ \$ \$ \$	233,749.83 18,625.00 15,000.00 3,907.30 5,000.00 387,040.11 233,749.83 18,625.00	60.39% 4.81% 3.88% 1.01% 1.29% 100.00% 84.61% 6.74%		

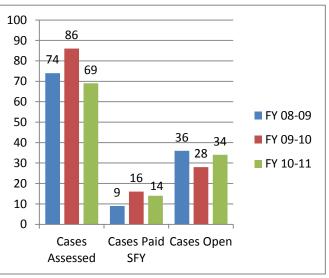
UST Collection Data





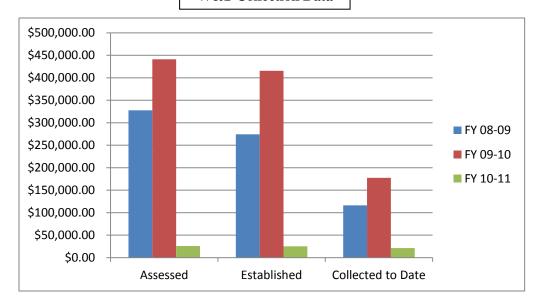


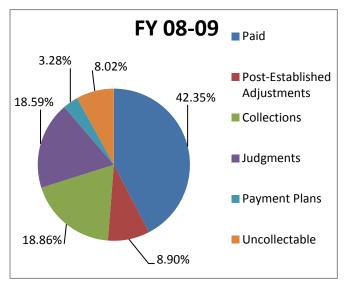


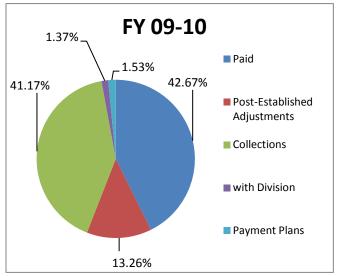


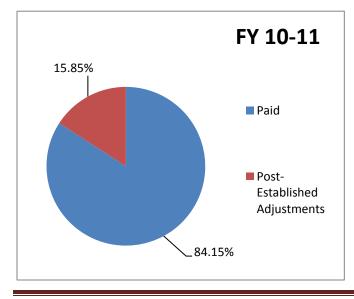
Wetlands and Stormwa	NCGS 143-215.6A ar		11 30	Ction, Division	i or water q	uant	y (Acct 43330c	,020,			
and Criteria	11005 1 15 215.07 (4)										
Program Description	for controlling point responsible for adm state, as well as ripa management regula wetlands, streams a	National Pollutant Discharge Elimination System (NPDES) is the federally established program for controlling point-source discharges of pollution. The Wetlands and Stormwater Branch is responsible for administering the federal point source stormwater discharge program for the state, as well as riparian and water supply program, buffer rules, state stormwater management regulations, Section 401 of the Clean Water Act — which includes impacts to wetlands, streams and other waters. In addition, oil and hazardous substances control, as they cannot be discharged, are regulated under the provisions of Article 21A.									
Examples of Regulated Entities	compliance; Regulat government oversig the activities that se	PDES stormwater permitting & compliance; State stormwater management permitting & compliance; Regulate activities that impact wetlands, streams or other waters; Local overnment oversight for the Implementation of water supply watershed protection; Regulate ne activities that seek authorization for riparian (streamside) buffer impacts; Construction and ost construction stormwater discharges									
System Used to Track Assessment and Collection Information	DWQ utilizes BIMS (initiation to closure, central and regional	including date	es an	_	•						
Penalty Adjustments	In addition to appea remission of the asso to the EMC if the vic fully described in the	essed penalty. Dator and direc	Tho ctor	se requests go are unable to	initially to t	he di	vision director	and then			
<u>Amounts</u>	<u>FY 08-09</u> <u>FY 09-10</u> <u>FY 1</u>						<u>FY 09-10</u> <u>FY 10-11</u>				
	<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>			
Assessed	\$ 327,500.00		\$	441,250.00		\$	25,990.00				
Pre-Established Adjustments	\$ 53,225.00	16.25%	\$	25,650.00	5.81%	\$	750.00	2.89%			
Not Yet Established	\$ -		\$	-		\$	-				
Established Penalty	<u>\$ 274,275.00</u>	<u>83.75%</u>	\$	415,600.00	94.19%	\$	25,240.00	<u>97.11%</u>			
<u>Totals</u>	<u>\$ 327,500.00</u>	<u>100.00%</u>	\$	441,250.00	<u>100.00%</u>	\$	25,990.00	<u>100.00%</u>			
Established Amount Itemization											
Paid Amount	\$ 116,151.00	42.35%	\$	177,335.93	42.67%	\$	21,240.00	84.15%			
Post-Established Adjustments	\$ 24,397.00	8.90%	\$	55,100.00	13.26%	\$	4,000.00	15.85%			
Collections	\$ 51,727.00	18.86%	\$	171,100.00	41.17%	\$	-				
Judgments	\$ 51,000.00	18.59%	\$	-		\$	-				
with Division	\$ -		\$	5,697.53	1.37%	\$	-				
Payment Plans	\$ 9,000.00	3.28%	\$	6,366.54	1.53%	\$	-				
Uncollectable	\$ 22,000.00	<u>8.02%</u>	\$		-	\$		-			
<u>Totals</u>	<u>\$ 274,275.00</u>	<u>100.00%</u>	\$	415,600.00	<u>100.00%</u>	\$	25,240.00	<u>100.00%</u>			
Remaining Balance Itemization											
Collections	\$ 51,727.00	38.68%	\$	171,100.00	93.41%	\$	-	0.00%			
Judgments	\$ 51,000.00	38.14%	\$	-		\$	-	0.00%			
with Division	\$ -		\$	5,697.53	3.11%	\$	-	0.00%			
Payment Plans	\$ 9,000.00	6.73%	\$	6,366.54	3.48%	\$	-	0.00%			
Uncollectable Totals	\$ 22,000.00 \$ 133,727.00	16.45% 100.00%	\$ \$	183,164.07	<u>-</u> 100.00%	\$ \$		<u>0.00%</u> 0.00%			

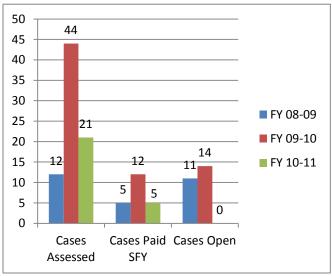
W&S Collection Data











	Division o	of Marine Fish	eries (Acct 43550	00095)						
Assessment Authorization and Criteria	NCGS 113-191, 143B-289.53(b) for civil penalties; NCGS 113-125, 113-136, and 113-187 for criminal citations.									
Program Description	DMF is responsible for the stewardship of the state's marine and estuarine resources. Its jurisdiction encompasses all coastal waters and extends to 3 miles offshore. The Marine Fisheries Commission (MFC) is the entity responsible for promulgating the administrative rules and issuing final decisions for this program. It is also affected by various federal regulations. Unlike other programs, DMF's compliance and enforcement activities are primarily carried out through the Marine Patrol, a section within DMF that is comprised of sworn law enforcement officers that are authorized to initiate criminal sanctions and issue citations for violations within DMF's jurisdiction. Currently, MP has 59 officers that work in three law enforcement districts along the coast. The prosecution of criminal sanctions is pursued through the local district attorney's office in a court of competent jurisdiction, and all criminal fines collected are processed by the court pursuant to NCGS § 115C-452.									
Examples of Regulated Entities	Commercial and recreational fishermen, seafood houses, vehicles transporting seafood, and restaurants; as well as, individuals engaged in the selling or purchase of seafood									
System Used to Track Assessment and Collection Information	The Fisheries Information Network System (FINS) is utilized to track assessments from initiation to closure, including dates and events. Records are updated and maintained by division personnel.									
Penalty Adjustments	In addition to appealing the penalty through OAH, a violator also has the option to request remission of the assessed civil penalty. Those requests go initially to the division director, and then to the MFC if the violator and director are unable to resolve the matter. Criminal penalties are prosecuted through the local district attorney's office.									
<u>Amounts</u>	FY 08-09 FY 09-10 FY 10-11									
	<u>Dollar</u>	<u>Percent</u>	<u>Dollar</u>	<u>Percent</u>	<u>Dollar</u>	Percent				
Assessed	\$ 12,500.00		\$ 3,455.9	5	\$ -					
Pre-Established Adjustments	\$ 2,300.00	18.40%	\$	-	\$ -					
Not Yet Established	\$	-	\$	-	\$ -					
Established Penalty	\$ 10,200.00	<u>81.60%</u>	\$ 3,455.9	<u>100.00%</u>	<u>\$ -</u>					
<u>Totals</u>	\$ 12,500.00	<u>100.00%</u>	\$ 3,455.9	<u>100.00%</u>	<u>\$ -</u>					
Established Amount Itemization										
Paid Amount	\$ 6,300.00	61.76%	\$ 1,350.9	8 39.09%	\$ -					
Post-Established Adjustments	\$	-	\$	-	\$ -					
Collections	\$ 800.00	7.84%	\$ 1,104.9	7 31.97%	\$ -					
Judgments	\$ 1,800.00	17.65%	\$ 750.0	0 21.70%	\$ -					
with Division	\$	-	\$	-	\$ -					
Payment Plans	\$	-	\$	-	\$ -					
Uncollectable	\$ 1,300.00	12.75%	\$ 250.0	0 7.24%	<u>\$ -</u>					
<u>Totals</u>	\$ 10,200.00	100.00%	\$ 3,455.9	100.00%	<u>\$ -</u>					
Remaining Balance Itemization										
Collections	\$ 800.00	20.51%	\$ 1,104.9	97 52.49%	\$ -					
Judgments	\$ 1,800.00	46.16%	\$ 750.0		\$ -					
	1				1					
with Division	\$	-	\$	-	\$ -					
	\$	- -	\$	-	\$ - \$ -					
with Division Payment Plans Uncollectable	\$ \$ \$ 1,300.00	- - <u>33.33%</u>	\$ \$ <u>\$</u> 250.0	- - <u>0</u> <u>11.88%</u>	\$ - \$ - \$ -					

3,900.00

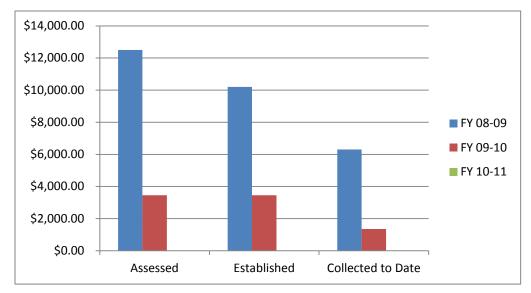
100.00%

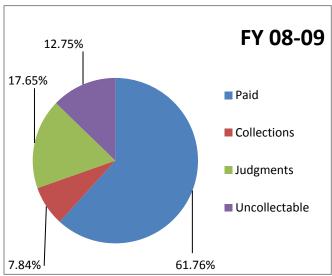
2,104.97

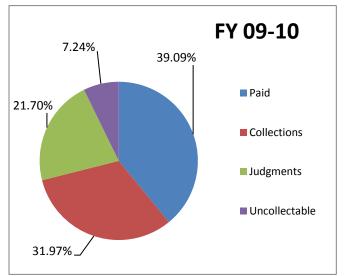
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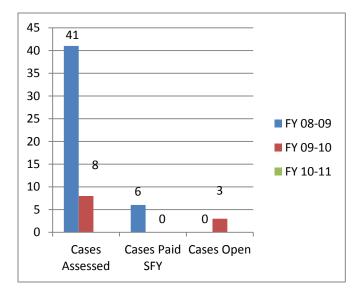
Totals

DMF Collection Data

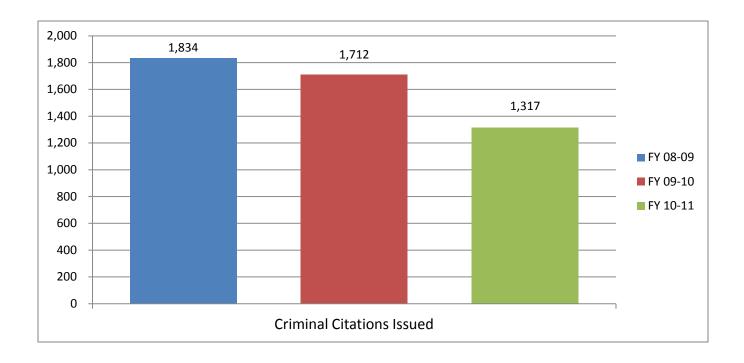


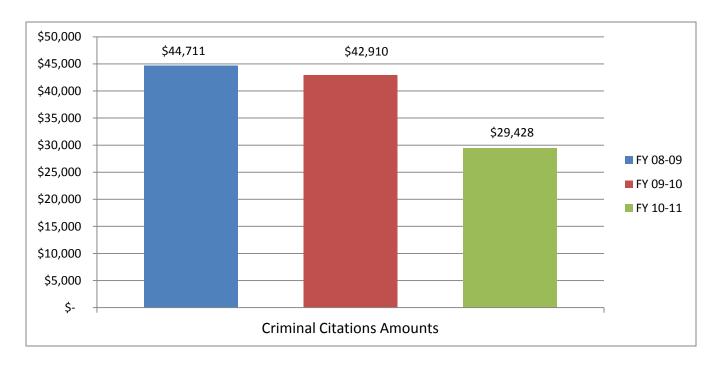






DMF Criminal Citation Data*





^{*}This data is provided for informational purposes regarding DMF's enforcement activity. DMF is not involved in the collection of criminal fines, which is overseen by the court in which the case is prosecuted.

Department-wide Collection Data

<u>Amounts</u>		<u>FY 08-09</u>			FY 09-10			<u>FY 10-11</u>		
		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>		<u>Dollar</u>	<u>Percent</u>	
Assessed	\$	4,748,285.87		\$	5,417,663.36		\$	3,714,686.97		
Pre-Established Adjustments	\$	708,470.16	14.92%	\$	860,427.92	15.88	\$	533,276.49	14.36%	
Not Yet Established	\$	61,639.20	1.30%	\$	285,499.00	5.27%	\$	211,050.00	5.68%	
Established Penalty	\$	3,978,176.51	<u>83.78%</u>	\$	4,271,736.44	<u>78.85%</u>	\$	2,970,360.48	<u>79.96%</u>	
<u>Totals</u>	\$	4,748,285.87	<u>100.00%</u>	\$	5,417,663.36	<u>100.00%</u>	\$	3,714,686.97	<u>100.00%</u>	
Established Amount Itemization										
Paid Amount	\$	2,393,901.00	60.18%	\$	2,266,959.09	53.07%	\$	1,617,878.00	54.47%	
Post-Established Adjustments	\$	189,117.79	4.75%	\$	210,195.25	4.92%	\$	125,524.03	4.23%	
Collections	\$	322,903.98	8.12%	\$	858,910.54	20.11%	\$	493,434.25	16.61%	
Judgments	\$	450,230.31	11.32%	\$	320,969.15	7.51%	\$	54,585.00	1.84%	
with Division	\$	15,665.00	0.39%	\$	202,701.28	4.75%	\$	454,887.32	15.31%	
Payment Plans	\$	105,772.74	2.66%	\$	72,769.01	1.70%	\$	141,404.42	4.76%	
Uncollectable	\$	500,585.69	<u>12.58%</u>	\$	339,232.12	<u>7.94%</u>	\$	82,647.46	<u>2.78%</u>	
<u>Totals</u>	\$	3,978,176.51	<u>100.00%</u>	\$	4,271,736.44	<u>100.00%</u>	\$	2,970,360.48	<u>100.00%</u>	
Remaining Balance Itemization										
Collections	\$	322,903.98	23.14%	\$	858,910.54	47.86%	\$	473,655.25	38.60%	
Judgments	\$	450,230.31	32.27%	\$	320,969.15	17.89%	\$	74,364.00	6.06%	
with Division	\$	15,665.00	1.12%	\$	202,701.28	11.30	\$	454,887.32	37.07%	
Payment Plans	\$	105,772.74	7.58%	\$	72,769.01	4.05%	\$	141,404.42	11.52%	
Uncollectable	\$ 	500,585.69	<u>35.88%</u>	\$	339,232.12	<u>18.90%</u>	\$	82,647.46	<u>6.74%</u>	
<u>Totals</u>	\$	1,395,157.72	<u>100.00%</u>	<u>\$</u>	1,794,582.10	<u>100.00%</u>	\$	1,226,958.45	<u>100.00%</u>	

Department-wide Collection Data

